

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

V.

JAMES HERMAN UPTMORE

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CAUSE NO. SA-21-MJ-0092 (2)

MOTION TO WITHDRAW AND FOR APPOINTMENT OF NEW COUNSEL

TO THE HONORABLE UNITED STATES MAGISTRATE JUDGE RICHARD B. FARRER
FOR THE WESTERN DISTRICT OF TEXAS, SAN ANTONIO, DIVISION:

COMES NOW the Federal Public Defender Organization for the Western District of Texas, by and through Assistant Federal Public Defenders David J. Kimmelman and respectfully move this Honorable Court for an Order permitting the Federal Public Defender for this district to withdraw as counsel of record for Defendant JAMES HERMAN UPTMORE , and for appointment of new counsel and would respectfully show as follows:

On February 1, 2021, the office of the Federal Public Defender became aware of a conflict of interest between Mr. Uptmore and another client of the office necessitating that this Office withdraw from further representation of Mr. Uptmore in this case. As Mr. Uptmore previously qualified for appointed counsel the undersigned request that this Court enter an Order allowing them and the Office of the Federal Public Defender to withdraw from this case and that new counsel not with the Federal Public Defender be appointed for Mr. Uptmore.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant prays for the above-requested relief and that this Motion to Withdraw and For Appointment of Counsel be granted.

Respectfully submitted.

MAUREEN SCOTT FRANCO
Federal Public Defender

/s/ David J. Kimmelman
Assistant Federal Public Defender
Western District of Texas
727 East César E. Chávez Blvd., B-207
San Antonio, Texas 78206-1205
(210) 472-6700
(210) 472-4454 (Fax)
State Bar Number: 11427300

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of February, 2021, I electronically filed the foregoing Defendant's Motion to Withdraw and For Appointment of New Counsel with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Assistant United States Attorney
601 N. W. Loop 410, Suite 600
San Antonio, Texas 78216

/s/ DAVID J. KIMMELMAN

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ORDER

On this date came on to be considered the Defendant's Motion to Withdraw and for Appointment of New Counsel, and the Court having considered the premises, is of the opinion that the same should be and is hereby GRANTED.

It is therefore ORDERED that David J. Kimmelman and the Office of the Federal Public Defender for the Western District of Texas are hereby WITHDRAWN as Attorneys of Record and that new counsel be appointed to represent Defendant James Herman Uptmore.

SO ORDERED on this the _____ day of, February 2021.

RICHARD B. FARRER
United States Magistrate Judge